THE TWO RIVAL

Hughes Not Badly "Blanketed" the Opinion

MASSACHUSETTS OUTLOOK

Lamblike-Senators Lodge and Grane of Massachusetts Confer.

and Governor Hughes' speech. The early the Senate's holding a session Friday, lines the moment he so chose. instead of adjourning from Thursday to The situation has been disturbin to one side and then the other. Monday, as has been customary. No to one side and then the other. When further evidence seems needed that the Senate is not in session on a Saturtransmission of the message Friday was day Senator Lodge is apt not to go part of a eleverly conceived scheme to to the capitol at all, and if he does it

success the "blanketing" scheme achieved. Governor Hughes has gained rather than The West in the debated ground. It is the Taft compaign in Massachusetts. significant that most Easterners feel that the president's message will arouse the West for the administration and Taft. But a prominent Western Republican, who is bimself a Taft man, reports a different view. After talking with unnerous Western congressmen, he sale that he had found them to be very strongly impressed by the Hughes speech. sage had hurt Taft. But whether the favor gained for Hughes would find actual shape in delegates was another ques-tion. It remained to be seen how the people "at home" felt about the mut-

It is widely reported that the cabinet was a time in opposing the president's message. This can hardly be true. There seem to be some members of the

The Cause of Many Sudden Deaths.

ed blood will attack the vital organs, causing catarrh of

scalding pain in passing it, and overcomes that unpleasant necessity of being

compelled to go often through the day, and to get up many times during the The mild and the extraordinary affect of Swamp-Root is soon realized. It stands the highest for its wonderful cures of the most distressing cases. Swamp-Root is pleasant to take and is

one-dollar size bottles. You may have a mer temperance advocate and women derangement, assign him with some ever experienced by a professional an arch over the tablature, ornamented sample bottle of this wonderful new discovery and a book that tells all about it, mittee of the senate committee and made the hospital. He cannot have any spec- from 2,000 yards to distance for an hour, of skilled carving, some of plane hamboth sent free by mail. Address, Dr. Kil- a stirring address, or all the patients here Shrubb has done almost impossible feats mered surface, and some of uneut rock, mer & Co., Binghamton, N. Y. When writing mention reading this generous offer in this paper. Don't make any mistake, but remember the name, Swamp Root, Dr. Kilmar's Swamp-Root, and the address, Bingumiton, N. Y., on every

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W. DILLON.

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Catarriets SPEECHES Dyspeplets Is Made by Hood It's Good, Lovell, Mass.

> ing that the message was a bid for a third term still prevails in many quar-

There are signs that the tense situa-tion created by the Taft campaign in Massachusetts will soon be relieved and the way which has been expected The news came Saturday by wire from one congressional district in which a hot fight was threatened that the out-The Powers Forces Are Reported to Be look was now peaceful and that the Pow- The Defendant and His Family Are ers forces were more lamblike than had been expected.

It is doubtful if the editorial and news columns of the Massachusetts newspapers have ever been read with such eagerness by the Massachusetts members of Congress as during the last few days. The strong and almost unan-Washington, D. C. Feb. 3.—Washing- imou support which seems to have been New York, Feb. 3.—Harry K. Thaw, top hummed all day Saturday with disgiven to the policy of sending entirely Saturday acquitted of the murder of cussion of President Roosevelt's message uninstructed delegates to Chicago has Stanford White on the ground that he maturally gratified Senator Crane, Conwas insure at the time of the commisConnecticut passed the Chilian cruiser liam Marr, administrator of the CruickEric Place, Roxbury, Mass. gressman Lawrence, Congressman Weeks judgment that the message was to be and the others who have stood for that considered almost solely as a political policy and who have been ready to fight document and will have comparatively for it if the need should arise. While little effect in legislation has grown no one has said that Senater Lodge was same until suca time as he shall convince in any way directly responsible for the the state lusury commission that his bestrong here. It has been recalled that Powers campaign, it has been believed ing at large will not endanger the pul-Senster Lodge, the president's nearest by some that he could have the cam. Tombs and there to the Grand Control friend in Congress, was instrumental in paign balted or conducted along different

The situation has been disturbing first 4:54 p. m. to one side and then the other. When Thaw for blanket Governor Hughes. is in the marning. But, contrary to his corpus proceedings. They refused to usual custom, he went to the capitol do so. late Saturday afternon and held a long it is generally conceded that in the East conference with Senator Crane. There lost by the practically simultaneous appearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and judicial views satisfactory understanding of each other pearance of his calm and his calm

FORAKER ATTACKS PRESIDENT.

"Helped to Increase Distrust and Alarm" -Ohio Dinner in New York.

New York, Feb. 3.-Nearly 600 sons of the Buckeye state resident in New He felt that the speech had gained for York city attended the annual banquet Hughes much favor, and that the mes- of the Ohio society of New York Saturday night in the hallesom of the Wal- received in the institution under comdorf-Astoria and listened to speeches by mitment papers which directed his de-United States Semator Joseph B. For tention "until discharged by due process aker, Judson Harmon of Cincinnati, and of law." John D. Archibald, vice-president of the Standard oil company.

Senator Foraker's speech was listened to with rapt attention, which was broken by applause from the diners. The Ohio enator openly declared that "muck-raking" was chiefly responsible for the present nidustrial and financial condition ni which the country now finds itself. He decried the attacks of magazines and newspapers and inesytigaions into the affairs of railroads and

SAYS REGULARS MUST DRINK.

Former Temperance Advocate Declares

she had found prohibition a "fraud and it will be ashered to in this case, nine months. Shrubb's American tour were in use many years before this pat sold by all druggists in fifty-cent and a failure," Miss Phebe Consina the for Then we can, after studying his mental has probably been the most successful cut was obtained. The use of a die with

> The committee was holding hearings are freated alike. on bills and resolutions providing for "During the day Thaw will associate every professional runner of note in Am- obelisk and cottage measurements, and as the withdrawnl of federal liquor licenses with the other men, and dine at the erica and Canada, and won easily. In to sarcophagus measurements, rectangular in prohibition states today, and listening to the main doing room. That addition he has more against horses, designs are old in use. Sarcophagus caps will be given no special work to do. He may from Longboat, the famous in of monuments of the same rock shaped tives of wine growers' associations, directed against the passage of any meas.
>
> The men Tom Longboat the famous in of monuments of the same rock shaped dian, in practice and the Englishman design were in use many years preceding the passage of any meas. ure of the kind proposed.
>
> In her address, Miss Consins warmly

upported the contentions of the German Americans, "You cannot take man," said she, "who from time immorof drink and deprive him of it."

"W. L. Douglas For President."

If the Democrats really want to elect

the next president, why not select a candidate who represents something? In he person of ex-Gov. William L. Donglas, the great shoe mamifacturer Brockton, Mass., the Democracy would find an ideal candidate. Mr. Douglas is Abbie Hoxie, against Mrs. a banker and understands the currency charged with stealing the affections of question. He is a numerisacturer and her husband Joe. how has a carpenter who had and lead it to victory. He has no past begations, but in the address of her exampolitical record like Reyan's. He would set to the jury this possible lack was political record like Bryan's. He would make a safe and same candidate; teat is, if he could be indirect to take the monimation. The trusts and grafters would not like laim, but the great beity of the common people, the business men through a jury's illness extended over quite a long period. It went to the and the farmers would elect him. The pury Friday night at \$105. Democracy are in the political wilder-ness. If William L Dougla's would have the nomination, he would be the politieal Moses that will lead them to the PAZO OINTMENT is guaranteed to cure promised hand of violory at the polls any case of Itching, Rind, Bleeding or for sale by Raynolds & Son X 1 sext November - Paterson, N. J., Even- Protructing Piles in 6 to 14 days or mon- Phelps & Co., C. W. Averill & Co. and

Sunal Catarrh - allar THAW GOES TO MATTEAMAN

proposed a trip to the moon. The feel. Sent to Asylum for Criminally Insane

JUSTICE

Satisfied, But Would Have Preferred a Private Sani-

sion of the homicide, was ordered by saluted the American flag and the Con-Justice Dowling to be committed to the Matteawan asylum for the criminal inlic safety. Thaw was led buck to the Tombs and thence to the Grand Central station, which he left for Mattewean at

Thaw fought vigorously against going to the asylum, and up to within a short time before he was carried away tried to have his lawyers enter habeas

dingy little cell in the Tombs, which seems to be reason for believing that had been the young man's home for more than 18 months, to the whitetre city.

of an agreement ever being reached in the plan for conducting the amateur design; that since said panying insanity clause, Thaw, protest-

A little after nightfall be had been

There is a disease prevailing in this industrial corporations, and then charge note his mental condition and make suggestion, as the whole object of the with two elongated sides. The vertical suggestion, as the whole object of the with two elongated sides. The vertical suggestion, as the whole object of the bases and die exhibit uncut promoters has been to eliminate linek.

mey disease. If caused some advance alarm and proved Thaw party at Fiskhill Landing caused termined in some of the sarlier rounds, die comparatively narrow at the middle to be one of the fiercest green sent to guite a commettee and the lattice toward safely not the basis of the patent. The patent questions raised differed and the basis of the patent. The patent questions raised differed and the basis of the patent. allowed to advance | Congress, yet instead of producing a bad | Phitographers from New York city had finalists have met. Thanks to the rore width toward each end. Upon the face the kidney-poison- effect on values, seemed to stimulate the come on an earlier train and a down sight of the promoters and the support of the support of the promoters and the support of John D. Archibald, vice president of Tihaw, accompanied by Deputy Sheriff the American championship, for the lines parallel with the border-line of the the bladder, or the kidneys themselves the Standard oil omegany, warmly de Beil and Attorneys Peaboly and CReilly coming season at least, will be a case arch of the tablature. The leading feafended the Standard oil company, which stepped from the privavie car in which of the survival of the fittest. Mean ture of the design consists by "the orna from a derangement of the kidneys aris a cure is obtained quickest by a proper treatment of the kidneys. If you are feels ing badly you can make no mistake by income to the planes when he said "Olio comes to the planes when he said "Olio comes to the planes when he said "Olio comes to the proper with two thoroughly equipped in some countries."

In declared was, one of the pountry to one a cure is obtained quickest by a proper treatment of the kidneys. If you are feels ing badly you can make no mistake by planes when he said "Olio comes to the planes with the open the arched tables, as planes with my general design. The arched tables may be either intaglio or arched tables may be either intaglio or aker and Secretary Tart," for the presidend to the institution, he said the prise. er would be given no special privileges

while here. "The first thing we will do with him." said Dr. Lumb, "as with all patients, is to place him in the observation ward, Prohibition a Fraud.

Prohibition a Fraud.

Prohibition a Fraud.

Condition. This is the costomary plan. For England vesterday after a stay of that the two bases of uncut rockwork. suffragist, appeared before the sub-com- judgment to some particular ward in athlete. He holds almost every record with spandrels of different designs, some

cash, procurs any articles he desires for is compelled to race against relays. In his comfort in Fishkill. The hospital floaton two weeks ago he won a control design, is not found in any of the now crowded above its capacity. We test against five fast men. The distance exhibits of the old designs, but the same have 718 patients, and the institution was 10 quiles, and each man ran two idea is found in exhibits 60 and 83, if tal has been accustomed to some kind originally planned to hold only 500, miles; but Shrubb legged the entire dis- not to say others; and whether the pat state hospital was built, we had 578 is 20 years old and has been racing old art is more a matter of taste than

VERDICT FOR MRS. WALKTR. Defendant Wins in Exeter's \$50,000 Suit.

Excier, N. H., Feb. 3.-The fumous \$50,000 alienation suit brought by Mre. a self-made man. He has worked up from the shoemaker's beach to the Governor's chair. He can sympathize dict, brought in by the jury at 7 a. m. with labor. He is the head of a great was opened in the presence of opposing adustry and is a capitalist and knows counsel. It was in favor of Mrs. Walker, he needs of business and industry. He the handsome widow whom Mrs. Hoxle

fructive statesman, as witness the wise been employed about the estate of the gislation of Massachusetts in relation wealthy Mrs. Walker. His wife madsavings banks and life insurance. He sensational charges, based in part upon is not identified with the factions tant alleged telephone conversations over-have rent the Democratic party. He heard between her husband and the carried the rock-ribbed Republican state womant she brought suit against. The of Massacinsetta by a phenomenal ma- evidence heard in court was not near jority. He would reunite the Democracy so spicy as some of the irate wife's al-

Ay refunded, 50c.

FLEET AGAIN IN PORT. Chilians Give Evans' Ships Warm Greeting at Punta Arenas.

Pinta Arems, Strait of Magellan, Feb. 3.-The American battleship fleet steamed into Punts Arenas harbor Saturday and came to anchor at 12:50 p. m.

jetties fringing the water front to witness the coming of the friendly ships of war, and the Chilian representatives who are here to greet the visitors in the name of the country, and bid them ON releame, were gathered expectantly on the quarterieck of the Chilian cruiser Chacabaco, lying in the roadstead.

Il a. m. steaming in double column. They came slowly up from Possession bay, where they had anchored the night before, and at 12:35 were abreast of the

While yet some distance away, a salute to the port boomed out from the Connecticut, Admiral Evane' flagonip, and the Chacabuco respired. The British cruiser Sappho also saluted the Connecticut, necticul saluted the Chilian flag.

Before the arrival of the fleet, a wireless message from the Chacabuco was is as follows: sent to Admiral Evans by Admiral Simp son, extending a hearty welcome from the Chilian navy to the American pavy. Admiral Evans at once responded with many thanks for the message of kindly

NEW GOLF SYSTEM APPROVED.

Problem For Big Tournament to Get Seven Rounds Into Six Days' Play.

golf association. The 3d-hole qualifying tound, played all is one day, has been infringement, and praying for an introduced and found wanting, says the Chitest and found wanting as a works of manular include monuments as works o ing he was same, was on his way to tried and found wanting, says the Chi-land found wanting, says the Chi-land found wanting, says the Chi-land found wanting, says the Chi-pensity of \$250, etc. THAW REACHES ASYLUM.

THAW REACHES ASYLUM.

Ausigned to Observation Ward Where any suchies change in the weather, will get nearly the same going. In framing their complainant's hill of complaint.

Mattenwan, N. Y., Feb. 3.—Harry Mattenwan, N. Y., Feb. 3.—Harry arging of the men for the first match.

Mattenwan, N. Y., Feb. 3.—Harry arging of the men for the first match.

The parents of paint and paint of evidence taken.

The parents of paint and complaint of evidence taken.

The parents of paint and the complaint of evidence taken.

The parents of paint and the complaint of evidence taken.

The parents of paint and the complaint of the men tor the first match.

The parents of paint and the complaint of evidence taken.

The parents of paint and the complaint of evidence taken.

The parents of paint and the complaint of the men tor the first match.

The parents of paint and the complaint of the men tor the first match.

ENGLAND'S GREAT RUNNER.

Alfred Shrubb Has Trimmed Everything in Sight in This Country.

during his stay in America. He has met is old in the construction of surcophagus. "During the day Thaw will associate every professional runner of note in Am- obelisk and cottege measuments, and as can, on an order accompanied by the is no individual left to race him, Sarubu hanging arch of rock faced spandrels Fight years ago, before the Dennemora tance and won wiltout trouble. Shrubb ented design is an improvement upon the since the ago of 18. Like most runners of inventive genius. By putting the die he is all tegs. He is quite frail, weigh- of defendant's exhibit 69 on the two. ing only 122 pounds. He is matched to bases of defendant's exhibit 59, and cap-

BOISE CASHIER ARRESTED. to Have Been Turned In.

Boise, Idaho, Feb. 3 .- Horace A. New, ashier of the Capital State bank, which the defendants would be deemed an infailed a week ago, was arrested at Boise, fringement. Ideho, Friday night on the charge of forgery. It is stated that forged notes monument to any other style and has a aggregating at least \$50,000 have albeen turned in, the first coming from Kansas City and Oussha banks.



M. d. Princie.

DECISION ON PATENT CASE

Almost the entire population had guth-ered on the hill behind the town and the Report

IMPORTANT

The American ships were sighted at Which Was Brought by John W. Crier to Prevent the Use of a Cartain Design on Ground That It Was Patented.

The full text of the decision of Judge which responded in kind, and as the in favor of Innes & Cruickshank and Wil- some samples among my friends if you wish to send them. Mrs. E. M. Saunders, 15 shank estate, who were sued for infringement of patent by John W. Crier,

sned to Hilliam H. Young of Troy, New after assigned to the complainant with all claims for damages and penalties for infringement of the same; that said letters patent have been duly adjudged valid by the circuit court of the north-How to fit seven rounds, each at 36 ern district of New York, and the circuit heles, into six days of actual play is a the case of Young vs. Duley; that the court of appeals for the second elreuit in problem the leading golfers of the coun-defendant Innes and Marr's intestate, bedded wards of the big asking tucked try have been unable to solve. Falling Crunckshapk, of Barre, Vt., were in part-away on the snow-covered sloping banks of this fludson river, 50 miles above. State only association one particle of the fludson river, 50 miles above. States golf association one match-play infringed said patent between the date The verdict came after 25 hours of round at 18 holes with the others twice of its issue and the date of said Cruickwaiting and when everyone connected cound the course. This one short round shank's death by constructing and sellwith the case had abandoned all hope appears to be the only weak point in ing monuments embodying the patented Cruickshank's tais or any other trial. For hours after the foreman's lips had framed the words "not guilty," with the accommodified and approved by the United States administrator as aforesaid, have continued and threatened to continue such approved by the United States administrator as aforesaid, have continued and threatened to continue such approved by the United States administrator as aforesaid, have continued and threatened to continue such approved by the United States administrator as aforesaid, have continued by the players.

day, and as the limit to qualify is 64, sign for monuments; denies that the same is useful; disclaims knowledge of few really high class players are liable same is useful; disclaims knowledge of to get below this mark. With 32 pairs said letters patent and deules their val-

K. The patents are saturday night round, low scores against nigh. This and was immediately assigned to the means the abolition of the draw from means the abolition of the draw from means the abolition of the draw from the upper base, and upon the upper base, and upon the upper base rests a die which is hoped the United States golf association officials will fall in line with this carmounted by a cap. The general form of these members is rectangular. that president for the present described by the complainant from the content of the present of t apoplexy are often the result of kidney disease. If
the arrival of the train bearing the arrival of the train bearing the design in both shape and size; but from those that are before me in this
caused some advance alarm and proved
the meaning across the upper side of the
caused some advance alarm and proved
the present improvement in senting stanting is the present improvement in senting stanting is the meaning to the meaning the design in both shape and size; but from those that are before me in this
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relievo. What I claim is new, and desire to secure by letters patent, is. The design for a monument berein shown and

The general configuration of this patrace an English runner named Johnson plog it with the cap of defendant's exhibit 25 or 26, or applying to the defendant's design 68 the uncut rockwork of defendant's exhibit 25, we would have a monument so nearly resembling this patented design that, if this patent is Forged Notes of at Least \$50,000 Said sustained, it would be an infringement; to the ordinary observer it would look the same and that is the test of infringement, and the four monuments made by

A person who prefers a sarcophagus special fancy for unout rockwork, visiting a cemetry in which there has been to the public which the law deems worplaced the Stewart monument, defend thy of recompense. ant's exhibit 85, and a monument conusing the cap of 25, would have a monus and then adds: ment in general appearance like this patent, and should be prevail upon some Brown, then district judge for the east suit such a taste, he would quite likely vs. Adams, 12 O. G., 430 (2 Baun. & Leader. get that stone cutter into channery for having infringed this patent; yet noth ing would have been done except to assemble old parts. No one of those dements contributes to the completed esult any new feature except to meet the taste of the person making the selec-tion, and therein applies the dourine in tor sale by Raynolds & Son. N. D. Pickering vs. McCullough, 104 U. S. 310; belps & Co. C. W. Averill & Co. and No one of them adds to the combi-

mation anything more than its separate

RHEUMATISM

Headache, and for Pain in Side and Back, We Have Used it With Ex-Enough in Favor of



Martin of the United States circuit court | And I would be pleased to distribute

independent effect; no one of them gives be patentable." The complainant alleges an infringement of a design, patent no. 27,115, is seed to Hilliam H. Young of Troy, New bination of old elements, all the constit
| Again the learned chief justice quotes the judge who first decided the case then suit of its action. In a patentable combination of old elements, all the constit| "A mechanic may take the legs of uents must so enter into it as that each one store and the cap of another and the York, under date of May 25, 1897, for a qualifies every other; to draw an illust door of another and make a new design design of a sarcophagus monument; that trution from another branch of the law, said patent was duly issued and there, they must be joint tenants of the domain in does not follow that the result of the of invention, seized each of every part thought of a mechanic who las fused toper mi et per tout, and not mere tenants gether two diverse shapes which were in common with separate interests and made upon different principles so that

a design monument:

"All the features in detail must be exhibits no invention." reated as old, for the stone cutter's art, early period, has covered all conceivable

shapes and forms in monuments and but we cannot concur in this view." statuary, and the combination does not, as it seems to me, amount to a new and found in obelisk monuments for carred original design." The lines of a draughtsman and the could not be sustained as a patented de-chisel work of a sculptor of this day sign nuler the law of Smith vs. Nichols, and generation are practically an imit 21 Wall., 112.

tation of old lines and old works. mental designs.

Daley case, the patentee established that printion of anything found there. fact from the evidence in that case, but one case everything beibrigs to the prior it does not to appear in the case that paintee; in the other, to the public at is before me. The same idea is found large." In the die of several of the defendant's exhibits, the only difference being in the shape and proportions of the die and am unable to find in this design inventing good taste manifested in the general tion. It is the skill of the draughts-configuration of the whole monument. from the evidence in this case, it appears The plendings raise an issue of facthat it is composed entirely of ideas that as to whether defendant Marr, as adcomplainant's design that I am able to shark has been intergeted in the menu discover, from all the ordence in the facture of the menuscrite, in questions, is its shape and form as the result. The complainant chains that the defend

In Thompson vs. Boisseller, 114 U. S. I. the court holds that while Con- before the death of Cruickshank, and gress has power to promote the progress, mut muther Innes, his parener Cruick of science in useful arts by securing to shank, nor Marr, the administrator of

respective discoveries, yet "The beneficiary must be an inventor and he must have made a discovery. The statute has always carried out this idea. * * So, it is not enough that a thing shall be new in the sense that in the shape and form in which it is produced it shall not have been before known, and that it shall be useful, but it must, under the constitution and the statute, amount to an invention or discovery.

See also Hill vs. Wooster, 132 U. S., 693.

It is claimed that if a design presents a different impression upon the eye from anything which precede it and "proves to be pleasing, attractive and popular, if it creates a demand for the goods of its originator, even though it be simple and does not show a wide departure the International Printing Pressured from other designs, its use would be protected." That is, in substance, the 14 Wall, 511.

This expression is found in that

giving certain new and original appearances to a manufactured article may enservice to the public. It, therefore, pro-poses to secure for a limited time to the ngenious producer of those appearances he advantages flowing from them. Manfestly the mode in which those appearances are produced has very little, anything, to do with giving increased salableness to the article. It is the appearance itself which attracts attention and calls out favor or dislike. It is the appearance itself, therefore no matter by what agency caused, that constitutes mainly, if not entirely, the contribution

But it will be observed in Smith vs. structed from the design of defendant's Whitman Saddle Co., 148 U. S., 674. exhibit 68 and 25, and concludes to use the supreme court, speaking through the two bases of 85, the die of 68, by Chief Justice Fuller, evidently purposely changing the spandrels over the tablature quotes the language of Mr. Justice Strong from carving to uncut reckwork, and in Gorham Mig. Co. vs. White, supra,

tone outter to make a monument to em district of Michigan in Northrop

And: 567) which was a bill for the infringement of a design patent for a cheese safe, the law applicable to design patents does not materially differ from that in cases of mechanical patents and all the regulations and provisions which apply to the obtaining or protection of putents for inventions and discoveries shall apply to recoor designs.

for designs, entitle a party to the benefit of the act in either case there must be originality and the exercise of the inventive faculty In the one there must be novelty and utility; in the other originality and beauty. Mere mechanical skill is insuf-cient. There must be something akin to genius an effort of the brain as well as the hand. The adaptation of old cellent Results, and I cannot Say devices or forms to new purposes, how ever convenient, useful or beautiful they may be in the new role, is not invention.

hape produced must be the result of industry, effort, genius or expense, and new and original as applied to article of manufacture. Foster vs. Crossin, 44 Fed. 62. The exercise of the inventive or originative faculty is required, and a person cannot be permitted to select an existing form and simply put it to a new use any more than he can be permitted to take a patent for the mere double use of a machine. If, however, the selection and adaptation of an existng form is more than the exercise of the imitative faculty and the result is, in effect, a new creation, the design may

Again the learned chief justice quotes

which has no element of invention; but new lines and curves and a harmonious It was said by Judge Aldrich in Perry and novel whole are produced which vs. Hoskins, III Fed., 1002, relative to possesses a new grace and which has a ntility resultant from the new share.

"And he held that this was effected as known and practiced from a very by the patenter and that the shape that he produced was therefore patentable, Substituting rock faced spandrels

spandrels of sarcophagus monuments I Justice Swayne, speaking for the so-

thing in the same way by substantially It is claimed by this assignee of the the same means with better results, is patent in question that the ornamenta- not such invention as will sustain a tion of the uncut rockwork overhanging patent. These rules apply alike, whether the tablature on the die is a special what preceded was covered by a patent feature and novelty. Evidently, from the comments and decision of the learned use. In neithful case can there be an and experienced judge who tried the invasion of such himself and an appro-

In view of all the evidence in this

The only new thing about the ministrator, since the death of Cruek of the assembling of old parts and old and have made four monuments that ideas. that those monuments were constructed Thyentors the exclusive right of their Cruickshank, knew of the existence of this patent or that they were making

monuments the design of which was covered by letters patent. For the reasons above set forth, I think the bill should be dismissed and It is so ordered.

Decision as to costs reserved.

Brattleboro, Vermont, January 30, James L. Martin.

AGAINST UNITED TYPOTHETAE.

Judge Declines to Make Injunction Against Pressmen Permanent. Cincinnati, Feb. 3.-Efforts of the

United Typathetae of America to force and Assistants' union of North America anguage of Judge Strong, speaking for to live up to an alleged agreement be court, in Gorham Mfg. Co. vs. White, whereby the eight-hour workday would not be instituted until after January I, 1909, met with defeat Saturday Cuited States Judge Thompson hand The law manifestly contemplates that down at Cincinnati a decision, in which he says the union committee did not have the power to bind the union by the ance its salable value, may enlarge the agreement it entered into with the comfemand for it, and may be a meritorious mitter from the typothetae. Tor typothetae was granted a temporary in nunction some time ago to prevent the officers of the pressmen's union from calling a strike. They asked for a permanent injunction. Judge Toompoon held that the agreement made by the officers of the union providing for a nine-hour day does not bind the rank and file of the union to work only nine hours, but to work nine hours if they work at all, and he denied a petition for a permanent injunction.

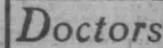
Notice to the Public.

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Papin Brown

An Uncultured Woman. What makes you think sha is the tured 1"

"She thinks Ilsen's playe are al-Well, a lot of people think so Yes, but she cars so."-L



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